



UNITED STATES PATENT AND TRADEMARK OFFICE

mk

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/566,398	01/30/2006	Yoshichika Konishi	Q92813	5718

23373 7590 03/29/2007
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER

AMINZAY, SHAIMA Q

ART UNIT	PAPER NUMBER
----------	--------------

2618

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/29/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/566,398	Applicant(s) KONISHI ET AL.	
	Examiner Shaima Q. Aminzay	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is in response to applicant's amendment/remarks filed December 12, 2006.

Response to Arguments

1. Response to arguments with respect to invention's title is moot as the amendment to the title overcomes the objection, therefore, the objection with respect to invention's title withdrawn.
2. Response to arguments with respect to Specification Objection is moot as the amendment to the specification meets the requirement, therefore, the objection with respect to specification withdrawn.
3. Response to arguments with respect to rejected claims 1-6 is moot as the amendment to independent claims 1, 5, and 6 overcomes the Claim Rejections -35 U.S.C.102(e), therefore, the Claim Rejections - 35 USC 102(e) was anticipated by MacNeille (MacNeille, et al., U.S. Patent No. 6,813,561) with respect to claims 1-6 withdrawn.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-6 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In independent claims 1, 5-6, pages 6, 7, 8, lines 5-7, the phrase “detecting communication obstacles disturbing propagation of said information in the surrounding environment”, and “making decisions as to the communication state quality based on the detected presence or absence of communication obstacles” is not supported in the specification, for example”, specification paragraph 22, lines 7-9, discuss the “the presence of communication obstacles can be detected using a simple configuration, i.e. the camera 13 and the image processing unit 14”, however, the specification does not specifies the “detecting communication obstacles disturbing propagation of said information in the surrounding environment”, and “making decisions as to the communication state quality based on the detected presence or absence of communication obstacles”.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Gorday (Gorday et al. U. S. Patent 6,665,521).

Regarding claim 1, Gorday discloses a mobile communication apparatus (*see for example, Figures 1-2, column 1, lines 6-24, column 2, lines 1-39, wireless devices (mobile communication apparatus) 22, 24, 26, 28, 29, 30, 32, 34, 36, 38, and 40*) comprising:

reception means for receiving information (*Figures 1-4, Abstract, lines 1-11, column 2, lines 60-66, receiving information*);

transmission means for transmitting information (*Figures 1-4, column 3, lines 57-67 continued to column 4, lines 1-14, transmitting the information*);

surrounding environment detection means for detecting communication obstacles

disturbing propagation of said information in the surrounding environment (*Figures 1-4, column 3, lines 9-28, line 67 continued to column 4, lines 1-10, column 5, lines 1-7, lines*

16-26, lines 51-57, column 7, lines 23-33, column 8, lines 1-4, checking the communication condition of the surrounding environment (best link quality for best reception and linking communications));

communication state decision means for making decisions as to the communication state quality based on the detected presence or absence of communication obstacles (*Figures 1-4, column 3, lines 9-28, line 67 continued to column 4, lines 1-10, column 5, lines 1-7, lines 16-26, lines 51-57, column 7, lines 23-33, column 8, lines 1-4, the decision is being made based on the state quality and detection of the presence or absence of communication interferences (obstacles));*

and control means, which transmits received information via the transmission means when the surrounding environment detection means detects no communication obstacles (*Figures 1-4, column 3, lines 9-28, line 67 continued to column 4, lines 1-10, column 5, lines 1-7, lines 16-26, lines 51-57, column 7, lines 23-33, column 8, lines 1-4*) and the communication state decision means decides that the mobile unit is in a satisfactory communication state (*Figures 1-4, column 1, lines 6-24, column 3, lines 9-28, line 67 continued to column 4, lines 1-10, column 5, lines 1-7, lines 16-26, lines 51-57, column 7, lines 23-33, column 8, lines 1-4*).

Regarding claim 5, Gorday discloses a mobile communication apparatus (*see for example, Figures 1-2, column 1, lines 6-24, column 2, lines 1-39, wireless devices (mobile communication apparatus) 22, 24, 26, 28, 29, 30, 32, 34, 36, 38, and 40*) comprising:

Art Unit: 2618

reception means for receiving information (*Figures 1-4, Abstract, lines 1-11, column 2, lines 60-66, receiving information*);

transmission means for transmitting information (*Figures 1-4, column 3, lines 57-67 continued to column 4, lines 1-14, transmitting the information*);

surrounding environment detection means for detecting communication obstacles

disturbing propagation of said information in the surrounding environment (*Figures 1-4, column 3, lines 9-28, line 67 continued to column 4, lines 1-10, column 5, lines 1-7, lines 16-26, lines 51-57, column 7, lines 23-33, column 8, lines 1-4, checking the communication condition of the surrounding environment (best link quality for best reception and linking communications)*);

communication state decision means for making decisions as to the communication state quality based on the detected presence or absence of communication obstacles (*Figures 1-4, column 3, lines 9-28, line 67 continued to column 4, lines 1-10, column 5, lines 1-7, lines 16-26, lines 51-57, column 7, lines 23-33, column 8, lines 1-4, the decision is being made based on the state quality and detection of the presence or absence of communication interferences (obstacles)*);

and control means, which transmits, via the transmission means, information received by the reception means (*Figures 1-4, column 3, lines 9-28, line 67 continued to column 4, lines 1-10, column 5, lines 1-7, lines 16-26, lines 51-57, column 7, lines 23-33, column 8, lines 1-4*) if the communication state decision means decides that the mobile unit is in a satisfactory communication state (*Figures 1-4, column 1, lines 6-24, column 3, lines 9-28, line 67 continued to column 4, lines 1-10, column 5, lines 1-7, lines 16-26, lines 51-*

57, column 7, lines 23-33, column 8, lines 1-4).

Regarding claim 6, Gorday discloses a mobile communication apparatus (*see for example, Figures 1-2, column 1, lines 6-24, column 2, lines 1-39, wireless devices (mobile communication apparatus) 22, 24, 26, 28, 29, 30, 32, 34, 36, 38, and 40*) comprising:

reception means for receiving information (*Figures 1-4, Abstract, lines 1-11, column 2, lines 60-66, receiving information*);

transmission means for transmitting information (*Figures 1-4, column 3, lines 57-67 continued to column 4, lines 1-14, transmitting the information*);

surrounding environment detection means for detecting communication obstacles

disturbing propagation of said information in the surrounding environment (*Figures 1-4, column 3, lines 9-28, line 67 continued to column 4, lines 1-10, column 5, lines 1-7, lines 16-26, lines 51-57, column 7, lines 23-33, column 8, lines 1-4, checking the communication condition of the surrounding environment (best link quality for best reception and linking communications)*);

communication state decision means for making decisions as to the communication state quality based on the detected presence or absence of communication obstacles (*Figures 1-4, column 3, lines 9-28, line 67 continued to column 4, lines 1-10, lines 19-21, lines 37-40, column 5, lines 1-7, lines 16-26, lines 51-57, column 7, lines 23-33, column 8, lines 1-4, the decision is being made based on the state quality and detection of the presence or absence of communication interferences (obstacles)*);

and control means, which transmits, via the transmission means, the information received by the reception means only if no information identical to that information is received again within a predetermined period of time after its receipt (*Figures 1-4, column 3, lines 9-28, line 67 continued to column 4, lines 1-10, lines 37-45, column 5, lines 1-7, lines 16-26, lines 51-57, column 7, lines 23-33, column 8, lines 1-4*) when the communication state decision means decides that the mobile unit is in an unsatisfactory communication state (*Figures 1-4, column 3, lines 9-28, line 67 continued to column 4, lines 1-10, lines 37-45*).

Regarding claim 2, Gorday teaches all the limitations of claim 1, and further, Gorday teaches wherein, when the communication state decision means decides that the mobile unit is in an unsatisfactory communication state if the surrounding environment detection means detects the communication obstacles (*Figures 1-4, column 3, lines 9-28, line 67 continued to column 4, lines 1-10, lines 37-45, column 5, lines 1-7, lines 16-26, lines 51-57, column 7, lines 23-33, column 8, lines 1-4*), the control means transmits the information received by the reception means via the transmission means only if no information identical to the received information is received again within a predetermined period of time after its receipt (*Figures 1-4, column 3, lines 9-28, line 67 continued to column 4, lines 1-10, lines 37-45, column 5, lines 1-7, lines 16-26, lines 51-57, column 7, lines 23-33, column 8, lines 1-4*).

Regarding claim 3, Gorday teaches all the limitations of claim 1, and further, Gorday

Art Unit: 2618

teaches wherein the surrounding environment detection means is an imaging means installed in the mobile unit (Figures 1-4, column 3, lines 9-28, column 5, lines 1-7, lines 16-26, lines 51-57, column 7, lines 23-33, column 8, lines 1-4).

Regarding claim 4, Gorday teaches all the limitations of claim 1, and further, Gorday teaches wherein the reception means and the transmission means is a wireless communication device (Figures 1-4, column 3, lines 9-28, column 5, lines 1-7, lines 16-26, lines 51-57, column 7, lines 23-33, column 8, lines 1-4).

Conclusion

The prior art made of record considered pertinent to applicant's disclosure, see PTO-892 form.

Applicant's amendment necessitated the **new ground(s)** of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 2618

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shaima Q. Aminzay whose telephone number is 571-272-7874. The examiner can normally be reached on 7:00 AM -4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mathew D. Anderson can be reached on 571-272-4177. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Shaima Q. Aminzay

(Examiner)

March 25, 2007



MATTHEW ANDERSON
SUPERVISORY PATENT EXAMINER